


TECHNICAL MEMORANDUM


Utah Coal Regulatory Program

December 29, 2004



TO: Internal File

THRU: Pam Grubaugh-Littig, Permit Supervisor 

FROM: James D. Smith, Environmental Specialist 

RE: Supplemental Volume 1 - Lease Relinquishment Info, PacifiCorp, Deer Creek Mine, C/015/0018, Task # 2047

SUMMARY:

This amendment adds BLM lease relinquishment decision documents to the Legal and Financial Volume, which is common to the MRPs of the Deer Creek, Des Bee Dove, and Cottonwood/Wilberg Mines. The documents and a tab page are to be inserted into Supplemental Volume 1, Phase I, II, and III Lease Relinquishment Information, which is a confidential volume common to the MRPs of all three PacifiCorp mines on East Mountain. Appendix C of the Legal and Financial Volume (another volume common to the PacifiCorp mines) contains detailed coal-lease information that is affected by these lease relinquishments.

This amendment should not be approved until the Right of Entry section in the Legal and Financial Volume and coal ownership maps in the Deer Creek, Des Bee Dove, and Cottonwood/Wilberg MRPs are updated to include all lease relinquishment information from these Decision Documents.

Technical Analysis of Right of Entry information in the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mine Master TAs is not adequate to cover this amendment, so all three Master TAs need to be updated.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

GENERAL CONTENTS

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The Permittee has provided copies of signed BLM Decision Documents that give dates when lease relinquishment decisions were finalized and descriptions of the lands and rights being relinquished. The decision documents are dated December 14, 1995 and February 17, February 20, and June 24, 2004. Also included is a Decision Amendment dated April 2, 2004 that rectifies errors in legal descriptions and lease numbers in three of the February 2004 Decision Documents.

The BLM approved partial lease relinquishment as follows:

Date on Decision Document	Lease	Acres Relinquished	Remaining	Permit
Dec 14, 1995	SL-064607-064621*	293.92	320.00	DC
	SL-066116*	160.00	360.00	DBD
	U-02664*	240.00	680.00	DBD
	U-024319	40.00	1,000.00	DC
	U-47978*	1,347.31	2,000.00	C/W
	U-47979	180.00	883.38	DC
Subtotal – Dec 1995		2,261.23		
Feb 17, 2004	SL-066116*	360.00	0.00	DBD
Feb 20, 2004	SL-064607-064621*	Rejected	320.00	DC
Feb 20, 2004	SL-070645-U-02292	250.00	2,310.00	DC
Feb 20, 2004	U-02664*	250.00	430.00	DBD
Feb 20, 2004	U-47978*	1,820.00	180.00	C/W
Feb 20, 2004	U-1358	160.00	160.00	C/W, DC
Subtotal – Feb 2004		2,840.00		
June 24, 2004	SL-064607-064621*	150.00	170	DC
Total		5,251.23		

*- lease involved in more than one relinquishment decision.

Copies of the BLM decision documents and a tab page are to be inserted into the Supplemental Volume 1, Phase I, II, and III Lease Relinquishment Information, which is a confidential volume shared by the MRPs of the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mines.

The text on page 1 of the February 20, 2004 BLM Decision Document for lease U-2664 indicates 250.00 acres were relinquished but the description of the tract on page 2 shows 140 acres: 250.00 acres is the correct acreage relinquished.

Appendix C of the Legal and Financial Volume contains Ownership and Right of Entry information for the Deer Creek, Des Bee Dove, and Cottonwood/Wilberg Mines (plus the Trail Mountain Mine). Acreage descriptions in that appendix do not include the February and June 2004 relinquishments, so Appendix C needs to be updated.

Appendix C shows 1,342.86 acres relinquished for lease U-47978 in December 1995, but the Jan 12, 1995 BLM Decision Document shows 1,347.31 acres. The remaining acreage (not including the February 2004 reduction) is 1,920 acres in Appendix C but 1,820 in the BLM Decision Document. The Permittee needs to resolve the discrepancy between the Decision Document and Appendix C as to the amount of acreage relinquished and remaining for lease U-47978.

Plate 1-1 shows the 1995 relinquishments but it needs to be updated to show all the lease relinquishments.

Right of Entry information in the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mine Master TAs is not adequate to cover this amendment, so all three Master TAs need to be updated.

Findings:

Right of Entry Information is not adequate to meet the requirements of the R645 Coal Rules. Before the Division can approve this amendment the Permittee must provide the following information in accordance with:

R645-301-301-114, The Permittee needs to update the Underground Right-of-Entry Information with Cited Surface and Subsurface Ownership information in Appendix C of the Legal and Financial Volume to include the February and June 2004 lease relinquishments.

TECHNICAL MEMO

R645-301-121.200, The Permittee needs to reconcile the acreage figures for lease U-47978 in Appendix C of the Legal and Financial Volume with the information in the BLM lease relinquishment documents.

R645-301-121.200, The Permittee needs to update total acreage figures in Appendix C of the Legal and Financial Volume for the Deer Creek, Cottonwood/Wilberg, and Des Bee Dove Mines.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Surface and Subsurface Ownership Maps

Plate 1-1 shows the 1995 relinquishments but it needs to be updated to show the 2004 lease relinquishments.

Findings:

The information provided is not adequate to meet the requirements of the Maps, Plans and Cross-Sections of Resource Information section of the Coal Mining Rules. Before the Division can approve this amendment the Permittee must provide the following information in accordance with:

R645-301-521.131, Plate 1-1 needs to be updated to show all lease relinquishments.

RECOMMENDATIONS:

This amendment, inserting the BLM lease relinquishment decision documents into Supplemental Volume 1, Phase I, II, and III Lease Relinquishment Information, should not be approved until the Right of Entry section in the Legal and Financial Volume is updated to include all lease relinquishment information from these Decision Documents.

Page 5
C/015/0018
Task ID #2047
December 29, 2004

TECHNICAL MEMO

The Master TAs for the Deer Creek, Des Bee Dove, and Cottonwood/Wilberg Mines need to be updated for this amendment.

O:\015018.DER\FINAL\WG2047\WG2047Mjds.doc